IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 14468 of 2000(V)

PETITIONER:
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1. **GANGAMMA, W/O. LATE SUBRAYA BHAT,**
   RESIDING AT GUMPE IN BAYAR
   VILLAGE AT KASARAGOD TALUK AND DISTRICT.

SUPPLEMENTAL PETITIONERS 2 TO 10 IMPLEADED:

2. **SRI. KRISHNA BHAT,**
   S/O. GANGAMMA, GUMPE HOUSE,
   P.O. BAYAR, KASARAGOD DISTRICT.

3. **G. KESHAVA BHAT,**
   S/O. GANGAMMA, GUMPE HOUSE,
   P.O. BAYAR, KASARAGOD DISTRICT.

4. **LUXMI DEVI,**
   D/O. GANGAMMA,
   MELINA MOOLE HOUSE,
   P.O. DHARMANTHADKA,
   KASARAGOD DISTRICT..

5. **SUMATHI, D/O. GANGAMMA,**
   CHANGOLI HOUSE,
   P.O. PERUDALA,
   KASARAGOD DISTRICT.

6. **NARAYANA BHAT,**
   NEERALEKKATTE,
   P.O. NEERALEKKATTE,
   KASARAGOD DISTRICT.

7. **SUMANA, S/O. NARAYANA BHAT,**
   AGED 17 YEARS, MINOR, REPRESENTED
   BY HER FATHER AND NATURAL GUARDIAN,
   NARAYANA BHAT.

O.P. NO. 14468/2000:

8. MURALIDHARAN, S/O. NARAYANA BHAT, AGED 15 YEARS, MINOR, REPRESENTED BY HIS FATHER AND NATURAL GUARDIAN NARAYANA BHAT.

9. SRIVIDHYA, D/O. NARAYANA BHAT, AGED 13 YEARS, MINOR, REPRESENTED BY HER FATHER AND NATURAL GUARDIAN NARAYANA BHAT.

10. N. NARANA BHAT, S/O. GANGAMMA, GUMPE HOUSE, P.O. BAYAR, KASARAGOD DISTRICT.

***SUPPLEMENTAL PETITIONERS 2 TO 10 ARE IMPLEADED AS PER ORDER DATED 16/06/2006 IN C.M.P. NO. 6939/2002.**

BY ADV. SRI.K.SHRIHARI RAO,
SMT.P.M.CHITHARA.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. COMMISSIONER OF LAND REVENUE, TRIVANDRUM.

3. THE REVENUE DIVISIONAL OFFICER, KASARAGOD AT KANHANGAD.

4. THE SPECIAL TAHSILDAR (L.A), MANJESHWAR AT KASARAGOD.

5. G. MADHAVA BHAT, S/O. ACHUTHA BHAT, RESIDING AT GUMPE IN BAYAR VILLAGE, KASARAGOD TALUK AND DISTRICT.

BY ADV. SRI.K.G.GOURI SANKAR RAI FOR R5,
GOVT. PLEADER SRI. K.U. MANOJKUMAR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 23378/2000 IN O.P. NO. 14468/2000

DISMISSED

20/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 26/06/1992 OF THE SPECIAL TAHSILDAR (LR) NO. II OF KASARAGOD.

EXT.P.2: COPY OF THE ORDER DTD. 06/07/88 OF THE R.4.

EXT.P.3: COPY OF THE ORDER DTD. 30/05/98 OF THE R.3.

EXT.P.4: COPY OF THE ORDER DTD. 07/04/2000 OF THE R.2.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

O.P. NO.14468 OF 2000

Dated 20th June, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Declare that the petitioner is entitled to the property to the extent of 24 cents in Resurvey No.668/1A6 of Bayar Village as mentioned in Ext.P1."

It is stated in the counter affidavit that the petitioner did not have any satisfactory explanation for the inordinate delay in pursuing her appellate remedy before the Appellate Authority. The delay is of nine years. Though the learned counsel for the petitioner vehemently contended that the legal heirs of the petitioner did not have knowledge before the assignment, I am afraid, the contention cannot be appreciated since the 5th respondent was put in possession of the land before the assignment was ordered. It is also seen from the counter affidavit that the Kumki privilege of Kadim land cannot also be appreciated since the Kumki land adjoining to her Kadim land had already been assigned to herself in L.A.175/74 and that is not factually disputed also. In that view of the matter, there is no merit in the writ petition. It is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.14468 OF 2000 (V)

J U D G M E N T

Dated 20th June, 2007.